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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,313	11/20/2001	J. Michael Anthony Alden	217 P 770	9506

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Wallenstein & Wagner, Ltd.  
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Chicago, IL 60606-6630

EXAMINER
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COCKS, JOSIAH C

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,313

Applicant(s)

ALDEN, J. MICHAEL ANTHONY

Examiner

Josiah C. Cocks

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3743

## DETAILED ACTION

### *Drawings*

1. The drawings filed with the application on 11/20/01 are accepted by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-12, 14, 15, and 18-39 are rejected under 35 U.S.C. 102(b) as being anticipated by *Glenboski et al.* (US # 5,782,165).

*Glenboski et al.* discloses in Figures 1-7 a cooking device/grill assembly as described in applicant's claims 1-7 including a removable curvilinear central portion (22) having a cooking surface and flat bottom panel (102) (see Fig. 1B), a mating lid (14), a flange extending (106) from an outer edge and circumferentially around the central portion, a plurality of tab portions (108) that are part of the flange and extend radially outward relative to the central portion and include holes (see Fig. 1B). The examiner considers that these tabs with holes would function as handles. *Glenboski et al.* further teaches that the flange functions to support the central portion (102) (see col. 4, lines 4-21).

Art Unit: 3743

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Glenboski et al.* (US # 5,782,165) in view of *Hoff* (US # 5,363,977).

*Glenboski et al.* discloses in Figures 1-7 a cooking device/grill assembly substantially as described in applicant's claims 1-7 including a removable curvilinear central portion (22) having a cooking surface and flat bottom panel (102) (see Fig. 1B), a mating lid (14), a flange extending (106) from an outer edge and circumferentially around the central portion, a plurality of tab portions (108) that are part of the flange and extend radially outward relative to the central portion and include holes (see Fig. 1B). The examiner considers that these tabs with holes would function as handles. *Glenboski et al.* further teaches that the flange functions to support the central portion (102) (see col. 4, lines 4-21).

*Glenboski et al.* possibly does not disclose that flange is an annular flange.

*Hoff* teaches a cooking device in the same field of endeavor as *Glenboski et al.* wherein the device of *Hoff* includes a central barbecue portion (36) forming a cooking surface, wherein the central portion is in the form of a circle having an annular flange for supporting the central barbecue portion (36) is supported on a tubular central housing member (20) by means of the annular flange.

Art Unit: 3743

In both *Glenboski et al.* and *Hoff* the shape of the central portion and flange is determined based on the shape of the outer housing on which the central portion is supported. As shown in *Hoff*, it is well known in the art that this shape may be tubular or circular forming an annular flange and that this shape contributes to the device being portable (see col. 1, lines 47-61). Therefore, in regard to claims 1-7, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the central portion of *Glenboski et al.* to include an annular flange such as that taught by *Hoff* to match the shape of the outer housing in order to render the device portable.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Glenboski et al.* in view of *Hoff* as applied to claim 5 above, and further in view of *Riva* (US # 4,805,526).

*Glenboski et al.* in view of *Hoff* teach all the limitations of claim 8 except that the top wall is positioned at a height above the flange. In *Glenboski et al.* the top wall is at a height equal with the flange (see Fig. 4).

*Riva* teaches a cooking chamber in the same field of endeavor as *Glenboski et al.* wherein the chamber or *Riva* includes a top wall (4a) and an outer flange that is at a height below the top wall (see Fig. 2).

Therefore, in regard to claim 8, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the flange of *Glenboski et al.* to incorporate the top wall and flange locations as taught by *Riva* as the flange location forms a folded edge which desirably serves as a hand grip (see *Riva*, col. 1, lines 55-57).

Art Unit: 3743

7. Claims 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Glenboski et al.* as applied to claims 9 and 15 above, and further in view of *Riva* (US # 4,805,526).

*Glenboski et al.* disclose all the limitations of claims 13, 16, and 17 except that the top wall is positioned at a height above the flange. In *Glenboski et al.* the top wall is at a height equal with the flange (see Fig. 4).

*Riva* teaches a cooking chamber in the same field of endeavor as *Glenboski et al.* wherein the chamber or *Riva* includes a top wall (4a) and an outer flange that is at a height below the top wall (see Fig. 2).

Therefore, in regard to claims 13, 16, and 17, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the flange of *Glenboski et al.* to incorporate the top wall and flange locations as taught by *Riva* as the flange location forms a folded edge which desirably serves as a hand grip (see *Riva*, col. 1, lines 55-57).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Kostial*, *Carter*, *Smith et al.*, *Orr*, DE 3926914, and WO 93/02608 are included to further show the state of the art concerning cooking devices with flanges.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (703) 305-0450. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

Art Unit: 3743

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett, can be reached at (703) 308-0101. The fax phone numbers for this Group are (703) 308-7764 for regular communications and (703) 305-3463 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc  
June 19, 2003

  
JOSIAH COCKS  
PATENT EXAMINER  
ART UNIT 3743